

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), (e) and (f)**  
**for**  
**Wednesday, December 18, 2013**  
**9:30 a.m.**  
**Sacramento, California**  
**&**  
**West Covina, California**

**TO: Members of the California Occupational Safety and Health Appeals Board**

**FROM: J. Jeffrey Mojcher, Chief Counsel**

**DATE: December 5, 2013**

**RE: Closed Session of the Board to be held on December 18, 2013**

Pursuant to Government Code section 11126, subdivisions (a), (c)(3), (e) and (f) and the Labor Code sections 6609 and 6620, the Appeals Board will hear the following items in Closed Session. Any matter not completed at this meeting may be continued to subsequent meetings. If the closed session agenda is not completed on the scheduled day, the closed session will continue from day to day until completion and adjournment.

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**DECISIONS OF ADMINISTRATIVE LAW JUDGES:**

*(Written decision issued by an Administrative Law Judge. The decision summarizes the evidence received from the Division of Occupational Safety & Health and the Employer, makes findings of fact for all issues involved in the appeal and gives reasons and grounds for the decision. The Board Members review the decision and decide if they will reconsider the ALJ decision on their own motion.)*

1. WATERHILL, LTD., 12-R3D6-2941 THROUGH 2945

**PETITIONS FOR RECONSIDERATION:**

2. BIRRIERIAS TLAQUEPAQUE, INC., 13-R6D5-0147 THROUGH 0149
3. CHARLES DIXON DBA DIXON SCIENTIFIC, 13-R3D2-9155
4. THE COCA COLA COMPANY, 11-R2D5-2461

**DENIAL OF PETITIONS FOR RECONSIDERATION (DRAFT):**

1. IRWIN INDUSTRIES, 13-R6D4-9063

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2. TAD VAN NGUYEN, 13-R1D1-9163

**MATTERS PENDING RECONSIDERATION:**

*(If the Appeals Board orders reconsideration of an Order or Decision, it reviews the record and then affirms, rescinds, alters or amends the Order or Decision being reconsidered.)*

1. A-1 PROTECTIVE SERVICES, INC., 10-R1D1-1592
2. AGRI-VALLEY IRRIGATION, INC., 07-R2D5-3785 AND 3786
3. ARMOUR STEEL CO., INC., 08-R2D1-2649 THROUGH 2655
4. BAY AREA RAPID TRANSIT DISTRICT, 12-R1D1-3056 THROUGH 3058 (DOSH)
5. BAY AREA RAPID TRANSIT DISTRICT, 12-R1D1-3056 THROUGH 3058  
(THIRD PARTY - SEIU)
6. BODEGA LATINA CORP., DBA EL SUPER, 12-R2D2-3500
7. BRUNTON ENTERPRISES DBA PLAS-TAL MFG. CO., 09-R6D2-2239  
THROUGH 2241
8. BURBANK RECYCLING, INC., 10-R4D3-0562 AND 0563
9. CABRILLO ECONOMIC DEVELOPMENT CORP., 11-R4D3-3185 & 3186
10. CLARK PACIFIC PRECAST, LLC, ET AL, 09-R2D1-0282
11. COFFMAN SPECIALTIES, INC., 10-R3D3-3532
12. COMMERCIAL METAL FORMING, 09-R3D1-1592
13. CONTRA COSTA ELECTRIC, INC., 09-R1D4-3271, 3272 AND 3960
14. CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387
15. CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038
16. DAVIS DEVELOPMENT COMPANY, 10-R3D1-3360 THROUGH 3362
17. DISH NETWORK CAL. SVC. CORP., 12-R4D3-0455
18. FERMA CORPORATION, 12-R2D2-1669
19. GMAC ELECTRIC, INC., 13-R6D5-9138

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20. HARRIS CONSTRUCTION, 03-R2D5-3914
21. IN THE POCKET, INC. DBA BRENTWOOD BOWL, 11-R1D3-2272
22. KANA PIPELINE, INC., 13-R3D3-9108
23. KELLY GLOBAL LOGISTICS, INC., 12-R3D5-0014
24. K H S & S OF CONCORD, INC., 11-R2D2-0374 and 0375
25. LABOR READY, 13-R3D2-0164
26. LA CITY BUILDING AND SAFETY, 13-R4D1-9110
27. LAND O' LAKES PURINA FEED LLC, 08-R2D4-1843 AND 1844
28. LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THROUGH 1714
29. L & S CONSTRUCTION, INC., 10-R3D1-1821 AND 1822
30. M1 CONSTRUCTION, INC., 12-R4D1-0222 AND 0223
31. MARIA DE LOS ANGELES COLUNGA DBA MERCED FARM LABOR,  
08-R2D1-3093 THROUGH 3098
32. McCARTHY BUILDING CO., INC., 11-R4D2-1706 AND 2406
33. MORE GUSTO CATERING DBA EL CHOLO CATERING, 10-R4D1-1298
34. MORROW MEADOWS CORP., 09-R3D3-2295
35. NATIONAL STEEL AND SHIPBUILDING COMPANY, 10-R6D2-3791
36. NEWSTAR FRESH FOODS, LLC., 12-R6D3-3183 THROUGH 3186
37. ONESTOP INTERNET, INC., 11-R4D2-2636 AND 2637
38. OWENS-ILLINOIS GLASS CONTAINER, INC., 09-R1D4-2021 AND 2022
39. PARAMOUNT FARMS, KING FACILITY, 09-R4D3-0864
40. PERFORMANCE CONTRACTING GROUP DBA PERFORMANCE  
CONTRACTING, INC., 08-R2D1-0025 AND 0026
41. PERSONNEL PLUS, INC., 11-R3D5-1302

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42. ROEBBELEN CONTRACTING, INC., 12-R2D2-3248
43. ROLLED STEEL PRODUCTS CORP., 10-R6D2-4047 AND 4048
44. JOSH AND CARRIE SALAZAR DBA CJ MANUFACTURING, 09-R6D2-1710
45. SHIMMICK-OBAYASHI, 08-R3D3-5023 THROUGH 5025
46. SIERRA FOREST PRODUCTS, 09-R2D5-3979
47. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 08-R2D1-3414  
THROUGH 3418
48. SONIC DRIVE-IN, 12-R2D5-2734
49. STAFFCHEX, 10-R4D3-2456 THROUGH 2458
50. STARBUCKS DBA STARBUCK'S COFFEE #5867, 12-R3D2-3675  
THROUGH 3678
51. SUNRISE GROWERES FROZSUN FOODS, 09-R4D3-2850
52. TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 09-R5D1-2443
53. TL PALVICH CONSTRUCTION, INC., 11-R3D6-1303 THROUGH 1310
54. TRADEMARK CONSTRUCTION CO., INC., 12-R4D1-0096 AND 0097

**ORDERS DISMISSING APPEAL:**

1. ASSOCIATE MANAGEMENT RESOURCES, 13-R3D1-0498
2. ORANGE COUNTY SERVICES DBA GAMAR PROPERTIES, INC., 12-R6D2-3234  
THROUGH 3236
3. REAL TIME STAFFING, 13-R4D3-1765

**ORDERS GRANTING LEAVE TO FILE LATE APPEAL:**

1. McCLANAHAN TIRE, LLC., 13-R3D3-3505

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**MATTERS HELD OVER FROM PREVIOUS MEETINGS:**

*(If the Board is unable to conclude its deliberations and/or if any matter(s) is (are) put over from a previous meeting, they will be further discussed.)*

**LEGISLATION:**

**PENDING LITIGATION:**

*(If the Division of Occupational Safety & Health or the Employer disagrees with a decision after reconsideration or a denial of a petition for reconsideration, either one or both parties may apply to the California Superior Court for a writ of mandate. The Appeals Board receives legal advice from its Legal Unit and provides policy direction regarding pending litigation.)*

**SUPERIOR COURT:**

1. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)
2. CLARK PACIFIC, A GENERAL CALIFORNIA PARTNERSHIP,  
34-2010-80000640 (08-R2D1-0027 THROUGH 0030)
3. SMUD, 34-2010-80000723 (08-R2D1-4887)
4. BAY AREA RAPID TRANSIT DISTRICT, 34-2011-80000819 (08-R1D1-5170)
5. MASCON, INC., 34-2011-80000820 (08-R2D1-4178 AND 4279)
6. CLARK PACIFIC DBA PACIFIC EMBEDDED PRODUCTS, 34-2011-80000965  
(10-0188~0191)
7. CA PRISON INDUSTRY AUTHORITY, CIV 1105778 (09-R1D5-2459  
THROUGH 2461)
8. FLATIRON CONSTRUCTION CORP, 34-2012-80001029 (10-R4D1-2789)
9. SECA EQUIPMENT REMOVAL & DISMANTLING, INC., 12CV01039  
(07-R2D3-0275)
10. JENSEN PRECAST, 34-2012-80001120 (05-R2D1-2377)
11. THE HERRICK CORPORATION, 34-2012-80001118 (07-0495)
12. UNDERGROUND CONSTRUCTION, 34-2012-80001124 (09-3518)
13. DUININCK BROS., INC., 34-2012-80001129 (06-2871)

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14. SHERWOOD MECHANICAL, INC., 37-2012-00101466 (08-R3D2-4690 ~ 4693)
15. C.A. RASMUSSEN, INC., 34-2012-80001241-CU-WM-GDS (08-R4D5-0219 AND 0220)
16. SHIMMICK CONSTRUCTION CO., INC., 34-2012-80001248 (09-R2D3-0399)
17. A TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001258 (05-R2D4-2650 AND 2651)
18. CA DEPT OF FORESTRY, 34-2012-80001263 (10-R2D1-0728)
19. A. TEICHERT & SON, 34-2012-80001265 (05-R2D5-2650 AND 2651)
20. PRESTON PIPELINES, INC., 34-2012-80001277 (09-R6D7-3345)
21. BLUE DIAMOND GROWERS, 34-2012-80001308 (10-R2D1-1280/1281)
22. CLARK PACIFIC PRECAST LLC, et al, 34-2012-80001319 (09-R2D1-0282/0283)
23. A. TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001332 (09-R4D5-0459 & 0460)
24. A. TEICHERT & SON, DBA TEICHERT AGGREGATES, RG12 659881 (10-R5D1-3029)
25. HOME DEPOT USA, INC., BS141301 (10-3284)
26. PRESTON PIPELINES, INC., 34-2013-8001381 (11-2530)
27. ORANGE COUNTY FIRE AUTHORITY, 30-2013-00628178 (10-3667)
28. THYSENKRUPP ELEVATOR CORP., 34-2013-80001456 (11-2217 ~ 2219)
29. BIG LOTS STORES, INC., 37-2013-00045936 (11-R3D2-1929 ~ 1931)
30. GUARDSMARK, LLC, 30-2013-00651094 (12-R3D1-0056)
31. ORANGE COUNTY FIRE AUTHORITY, 30-2013-00652023 (12-0439)
32. ORANGE COUNTY FIRE AUTHORITY, 30-2013-00651875 (12-0440)
33. AC TRANSIT, RG13687314 (08-R1D4-0135)

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34. DSS COMPANY DBA KNIFE RIVER CONSTRUCTION, 34-2013-80001575  
(12-R5D1-337)

35. BAY AREA RAPID TRANSIT DISTRICT, RG13689346 (09-R2D2-1219 & 1221)

**APPELLATE COURT:**

1. XL CONSTRUCTION, C074514 (2008-R1D2-1191-1193)

**ORDERS OF ADMINISTRATIVE LAW JUDGES:**

*(Written order issued by an Administrative Law Judge after a pre-hearing conference in which the Division of Occupational Safety & Health and the Employer agree to settle an appeal without a hearing. The Board Members review the order and decide if they will reconsider or remand the issued order.)*

1. 911 RESTORATION ENTERPRISES OF IRVINE, DBA 911 RESTORATION OF ORANGE COUNTY, 13-R3D1-0940
2. A1 EVENT RENTALS, 13-R4D3-1764
3. A & A EMPLOYER SERVICES, 13-R3D1-1241
4. ALL STAR SEED COMPANY DBA EIGHT STAR COMMODITIES, 13-R3D2-2978 AND 2979
5. AMERICAN CUSTOM FURNITURES, 13-R6D2-1678 AND 1680
6. ANCIEN WINES INC., 11-R1D5-2398 AND 2399
7. ASTRO DISPLAY COMPANY, 13-R6D2-0180 THROUGH 0187
8. BEAUTY & HEALTH INTERNATIONAL, INC., 13-R3D1-0886 AND 0887
9. BEYER SUPREME SOUTH SAN DIEGO, LLC, 12-R6D5-3557 AND 3558
10. BRIGHT WAY BUILDING MAINTENANCE, 13-R4D1-0467 THROUGH 0470
11. BUILD GROUP, 13-R1D1-2866
12. CA. DEPT. STATE HOSPITALS ATASCADERO STATE HOSPITAL, 12-R6D2-3512 AND 3513
13. CAL AG RESOURCES INC., 13-R2D5-0095 THROUGH 0097
14. PIETRO CERCONI DBA PETE AND MARIA'S ITALIAN BISTRO, 13-R6D7-2573

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15. CITY OF BEVERLY HILLS, 13-R4D1-0794
16. COMPASS HEALTH, DBA CENTRAL COAST NURSING CENTER,  
13-R4D3-2778 THROUGH 2780
17. CONCEPTUAL MANAGEMENT, INC., DBA TRITON CONSTRUCTION, 13-R4D1-  
1189 AND 1190
18. CONCORD IRON WORKS INC., 12-R1D3-2215 THROUGH 2217
19. COVE WEST FOUR SLIDE & STAMPING CORP., 13-R6D2-2173  
THROUGH 2176
20. CRC SOLUTIONS, INC., 13-R6D7-2785 AND 2786
21. CRESTLINE MANUFACTURING CO., 13-R6D2-2512
22. DEMPSEY CONSTRUCTION, INC., 13-R3D2-3304
23. DLT GROWERS, INC., 13-R3D3-0788 AND 0791
24. DOWNEY REGIONAL MEDICAL CENTER, 13-R3D5-0792
25. EAGLE SYSTEMS INTERNATIONAL DBA SYNERGY COMPANIES,  
13-R1D4-3044
26. RAUL ENCISO DBA SUPER GREEN LANDSCAPE, 13-R4D1-0793
27. FED EX, 13-R3D3-2954
28. JUAN PABLO MONTANO FIMBRAS DBA GP RECYCLING, 13-R6D2-0720  
THROUGH 0723
29. GTO PACKING, INC., 13-R3D2-2807 AND 2808
30. BERT L. HOWE & ASSOCIATES, 13-R2D2-3363 AND 3364
31. IRONWILL TECHNOLOGIES, 13-R3D5-1051
32. JUHASZ, INC., 13-R6D2-3158 THROUGH 3160
33. JULIEN L. INC. DBA CLASSIC DESIGN, 13-R6D2-0724 THROUGH 0738
34. LA VERNE NURSERY, INC., 13-R4D3-1944 THROUGH 1946



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35. LI YUAN FARMS, INC., 13-R6D5-0029 THROUGH 0032
36. MCBRIDE DOOR & HARDWARE, INC., 13-R3D2-1579 AND 1580
37. MIDWEST ROOFING CO., INC., 13-R3D6-0101 THROUGH 0103
38. MIKE ROVNER CONSTRUCTION, INC., 13-R4D1-0894
39. MODERN METHOD ROOFING & CONSTRUCTION, 13-R1D5-0824 AND 0825
40. MONTANA CONSTRUCTION INC., DBA PRESTIGE BUILDERS, 13-R3D1-2791  
THROUGH 2793
41. NATIONAL STEEL AND SHIPBUILDING COMPANY, 13-R6D2-1248
42. NUNEZ AG, INC., 13-R4D7-1067
43. OM BUSINESS SERVICES, INC., DBA SHIVA'S, 13-R6D7-1905 THROUGH 1907
44. ORANGE COUNTY CONTAINER GROUP, 13-R4D4-0325 AND 0326
45. PACIFIC COAST PRODUCERS, 13-R2D1-1510
46. PARAMOUNT CITRUS, LLC., 13-R4D7-2245 AND 2246
47. PERFORMANCE TEAM, 13-R6D2-3137
48. PETERSEN-DEAN INC. DBA PETERSENDEAN, 12-R4D3-3759 AND  
13-R4D3-0682
49. POLVERA DRYWALL, INC. DBA GREAT WESTERN DRYWALL,  
13-R3D2-2300
50. ROOF KING ROOFING, INC., 13-R3D2-2237 AND 2238
51. ROSEBURROUGH TOOL INC., 13-R3D1-0783 THROUGH 0785
52. ROSENDEN ELECTRIC, INC., 13-R1D1-1610
53. SADDLEBACK MEMORIAL MEDICAL CENTER, 13-R3D1-1392
54. SANTA YNEZ VALLEY TREE CARE, 13-R4D3-2415
55. SF RECREATION & PARKS DEPARTMENT, 13-R1D1-1549

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- 56. SHEEDY DRAYAGE CO., 13-R1D1-0001 THROUGH 0003
- 57. SMR INC. DBA TUBE SOLUTIONS, 12-R3D1-3423 AND 12-R3D1-3811 THROUGH 3813, AND 13-R3D1-3508 THROUGH 3510
- 58. SOUTHERN CALIFORNIA EDISON, 11-R3D3-0888 THROUGH 0890
- 59. SUNSET ANIMAL HOSPITAL, 13-R2D2-2884
- 60. SUPER FREC U.S.A. INC., DBA FREC FOOD, 13-R6D2-2823 THROUGH 2827
- 61. THE GEO GROUP, INC., 13-R3D3-3144
- 62. TRULITE GLASS & ALUMINUM SOLUTIONS, LLC., 13-R4D4-0513 THROUGH 0516
- 63. TWR ENTERPRISES INC., 13-R4D3-0427
- 64. WILLMARK COMMUNITIES INC., 13-R3D2-1750
- 65. WOLFE ROOFING COMPANY, 12-R4D3-3509

**PERSONNEL:** *(Issues regarding staff.)*

Any matter not completed at this meeting may be continued to subsequent meetings. If the closed session agenda is not completed on the scheduled day, the closed session will continue from day to day until completion and adjournment.